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PATENT

Customer No. 22,852
Application Number: 09/733,896
Attorney Docket No. 05725.0806-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE +13

In re Application of:

Carlos PINZON, et al.

Application No.: 09/733,896

Filed: December 12, 2000

For: COMPOSITIONS CONTAINING
HETEROPOLYMERS AND OIL-SOLUBLE
POLYMERS AND METHODS OF USING
SAME

) Group Art Unit: 1711
) Examiner: RAJGURU, U. K.
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)
)
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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION
UNDER 37 C.F.R. § 1.221(b)**

On August 29, 2002, the Office published the above-identified application No. 09/733,896 as Publication No. US-2002/0120036-A1. The published application contains mistakes that are the fault of the Office and which may be material. Attached hereto is a copy of each relevant page of the originally filed application and a marked-up copy of the corresponding page of the published application identifying the mistakes and corrections.

A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See C.F.R.

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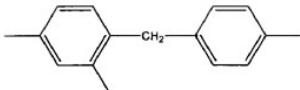
§ 1.221(b). Each of the mistakes listed below may affect the public's ability to appreciate the technical disclosure of the patent application publication or to determine the scope of provisional rights, for the reasons identified.

The mistakes, which are indicated in red ink on the relevant pages of the marked-up copy of the published application attached hereto, are as follows:

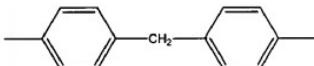
1. The first page of the published application fails to recite the assignee, L'Oréal S.A., Paris (FR). The assignment was duly recorded in this application on April 26, 2001, at Reel 011765, Frame 0183. This mistake may be material as it may affect the public's ability to determine the scope of the provisional rights that may be sought to be enforced upon issuance of a patent. For at least this reason, this mistake should be corrected.
2. On page 1, paragraph 0006, third line in right hand column, the published application does not contain a paragraph break between the sentence ending with the word "gums" and the sentence beginning with the phrase "[t]he invention also provides for." However, the original application does contain a paragraph break. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.
3. On page 5, paragraph 0056, third line, the published application recites:

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The originally filed application recites:



The error is that a substituent group, specifically a methyl group, that is not depicted in the original application is depicted in the published application. Thus, this mistake may result in the disclosure of an erroneous compound. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

4. On page 7, paragraph 0080, twelfth line, the published application recites "arid," whereas the originally filed application recites "and." Thus, this mistake may result in the disclosure of an erroneous embodiment of the invention. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

5. On page 10, paragraph 0123, in Table 1 of the published application, the published application recites "Cetyl Alcohol C" which is in "Phase --," that composition A

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comprises no Cetyl Alcohol, composition B comprises "2" percent Cetyl Alcohol, composition C comprises "3" percent Cetyl Alcohol, composition D comprises "4" percent Cetyl Alcohol, composition E comprises no Cetyl Alcohol. However, the originally filed application recites "Cetyl Alcohol" which is in Phase "C," that composition A comprises no Cetyl Alcohol, composition B comprises no Cetyl Alcohol, composition C comprises "2" percent Cetyl Alcohol, composition D comprises "3" percent Cetyl Alcohol, and composition E comprises "4" percent Cetyl Alcohol. The error is that the row reciting "C - - 2 3 4" should be shifted to the right one space in the published application. Thus, this mistake may result in the disclosure of erroneous compositions. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

6. On page 11, paragraph 0129, Table 3, the published application recites that composition C comprises "22.92" percent Cristal 0 and that composition D comprises "3.9" percent Cristal 0. The originally filed application recites that composition C comprises "22.9" percent Cristal 0 and that composition D comprises "23.9" percent Cristal 0. The error is that the third "2" in "22.92" should be joined with the number "3.9" to recite "22.9" and "23.9" for compositions C and D, respectively. Thus, this mistake may result in the disclosure of erroneous compositions. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

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7. On page 11, paragraph 0131, lines 6-7, the published application recites "on the surface of the surface of . . ." The originally filed application recites "on the surface of . . ." The error is that there should be only one recitation of "the surface of." Thus, this mistake may result in the disclosure of an erroneous location of the moderate oil coat. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

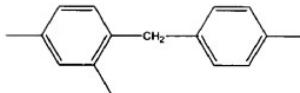
8. On page 14, claim 78, second line, the published application recites "C₂ to C₂₀." The originally filed application recites "C₁₂ to C₂₀." The error is that "C₂" should read "C₁₂." Thus, this mistake may result in the disclosure of an erroneous class of fatty alcohols. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

9. On page 21, claim 287, fifth line, the published application recites "100,000." The originally filed application recites "100,000." The error is that there should be no space between "100," and "000." Thus, this mistake may result in the disclosure of an erroneous molecular mass. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

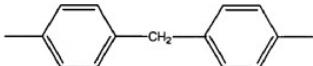
10. On page 22, claim 288, first line, the published application recites:

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The originally filed application recites:



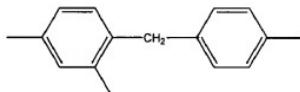
The error is that a substituent group, specifically a methyl group, that is not depicted in the original application is depicted in the published application. Thus, this mistake may result in the disclosure of an erroneous compound. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

11. On page 22, claim 288, ninth line, the published application recites "and." The originally filed application recites ";" and." The error is that there should be a semi-colon before the word "and." Thus, this mistake may result in the disclosure of an erroneous composition. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

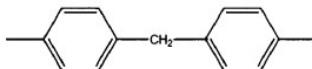
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12. On page 22, claim 289, second line in the right hand column, the published application recites:



The originally filed application recites:



The error is that a substituent group, specifically a methyl group, that is not depicted in the original application is depicted in the published application. Thus, this mistake may result in the disclosure of an erroneous compound. This mistake may be material as it may affect the public's ability to appreciate the scope of the technical disclosure of the patent application publication and the scope of the claims being pursued. For at least this reason, this mistake should be corrected.

For at least the foregoing reasons, Applicants request that the Office correct the mistakes identified above for which the Office is at fault in the published application, and forward to Applicants a copy of the corrected published application or at least a notification of the occurrence or predicted occurrence of the corrected publication once it has been corrected.

Applicants believe that no Petition or fee is due in connection with this Request, as the mistakes identified in the published application are the fault of the Office.

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Application Number: 09/733,896
Attorney Docket No. 5725.0806-00

However, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:


Michelle E. O'Brien
Reg. No. 46,203

Date: October 29, 2002

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